

Article - Public Safety

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§12-837.

(a) Subject to the hearing provisions of § 12-838 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to an applicant, refuse to renew a license, reprimand a licensee, or suspend or revoke a license, if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license;

(2) fails to notify the Board or the owner or lessee of an elevator or related mechanism of any condition not in compliance with Part II of this subtitle;

(3) under the laws of the United States or of any state, is convicted of:

(i) a felony; or

(ii) a misdemeanor that is directly related to the fitness and qualifications of the applicant or licensee to perform services as an elevator contractor, elevator mechanic, elevator renovator contractor, or elevator renovator mechanic;

(4) transfers the authority granted by a license to another person;

(5) installs, repairs, or maintains an elevator or assists in the installation, repair, or maintenance of an elevator in a negligent or careless manner;

(6) willfully or deliberately disregards and violates a building code, electrical code, or construction law of the State or a county or municipal corporation of the State; or

(7) violates any provision of this subtitle.

(b) (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Board may impose a penalty not exceeding \$5,000 for each violation.

(2) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the licensee;
- (iv) the assets of the licensee; and
- (v) any history of previous violations by the licensee.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

(c) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(3) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualifications of the applicant or licensee to perform services as an elevator contractor, elevator mechanic, elevator renovator contractor, or elevator renovator mechanic;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or licensee before and after the conviction.

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